IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Con.Case(C).No. 358 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.20139/2006 Dated 11/12/2006

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PETITIONERS/PETITIONERS:

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1. ANANDAVALLY,
   SHEEJA BHAVAN, EZHUKONE VILLAGE,
   KOTTARAKARA TALUK, QUILON DISTRICT.

2. A. BIJUMOL, AGED 33 YEARS,
   D/O.LATE LEKSHMANAN, SHEEJA BHAVAN,
   EZHUKONE VILLAGE, KOTTARAKKARA TALUK,
   QUILON DISTRICT.

3. SHYJA,
   SHEEJA BHAVAN, EZHUKONE VILLAGE,
   KOTTARAKKARA TALUK, QUILON DISTRICT.

BY ADV. SRI.M.S.UNNIKRISHNAN
SMT.S.KARTHIKA
SRI.M.R.ANISON
SRI.T.R.RAJESH
SMT.K.P.GEETHA MANI

RESPONDENT/3RD RESPONDENT:

MR. BHASKAR,
S/O. AND AGED NOT KNOWN TO THE PETITIONERS,
ASST.EXECUTIVE ENGINEER, SOUTHERN RAILWAY,QUILON.

BY ADV. SRI.ALEXANDER THOMAS, SC,RAILWAYS

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

Cont. Case (C).No.358 OF 2007

Dated this the 21st day of June, 2007

O R D E R

By order dated 31.7.2006 in W.P(C).20139/06, the respondents were interdicted from dispossessing the petitioners from rooms shown as shop Nos.2 and 3 and Kitchen Chimney in Ext.P2. There was a direction not to demolish that portion. The effect of the final judgment disposing of that writ petition is that the petitioners, having paid back to the Railways the value of that portion of the building, are entitled to be put back in possession of that piece.

2. Going by the pleadings of both the parties in this case, I do not find that any case of contempt is made out at all. Having regard to the averments in the counter affidavit, the petitioner was called upon to file further materials in support of the allegation of contempt. From what has been placed thereafter on record, it appears that what the petitioner is like to have is

the re-opening of the writ proceedings. I am not inclined to do that.

3. All that remains is that if the petitioner is interested to collect the key of the door at D4 in Annexure R1, that could be collected from the Executive Engineer, Kollam. If the petitioner appears before the Executive Engineer and furnishes a receipt of such key, the key shall be released to the petitioner on such proper receipt. If the petitioner is desirous of getting the key and thus the possession of the building as aforesaid, that shall be done within a period of three weeks from now.

Post after three weeks.

H/o. copy to counsel on both sides.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.